

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \* \* \*

RALPH COUNTRYMAN,

Plaintiff,

v.

STATE OF NEVADA, et al.,

Defendants.

3:10-cv-00107-LRH-RAM

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge Robert A. McQuaid, Jr. (#29<sup>1</sup>) entered on June 27, 2011, recommending granting in part and denying in part Defendant's Partial Motion to Dismiss (#16) filed on January 18, 2011. No objection to the Report and Recommendation has been filed. The action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)B and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's Report and Recommendation (#29) entered on June 27, 2011, should be adopted and accepted.

<sup>1</sup>Refers to court's docket number.

1 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#29)  
2 entered on June 27, 2011, is adopted and accepted, and Defendant's Partial Motion to Dismiss (#16)  
3 is GRANTED IN PART AND DENIED IN PART as follows:

- 4 • The motion to dismiss as to Plaintiff's claim in Count II that Defendants violated his due process  
5 rights in connection with his placement in disciplinary segregation is DENIED;
- 6 • The motion to dismiss with prejudice as to Plaintiff's claim in Count II that Defendants violated  
7 his due process rights by depriving him of his prison job, pay, and by depriving him of his  
8 preferred housing assignment is GRANTED;
- 9 • The motion to dismiss with prejudice as to Plaintiff's claim in Count II that Defendants violated  
10 his due process rights as a result of the processing of his disciplinary appeal is GRANTED;
- 11 • The motion to dismiss without prejudice as to Plaintiff's claims under the First Amendment and  
12 RLUIPA in Count IV is GRANTED;
- 13 • The motion to dismiss as to Defendant Stewart is DENIED; and
- 14 • The motion to dismiss with prejudice as to all claims asserted against Defendant Skolnik is  
15 GRANTED.

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17 IT IS SO ORDERED.

18 DATED this 8th day of August, 2011.



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20 LARRY R. HICKS  
21 UNITED STATES DISTRICT JUDGE  
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